

HEARST

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June 23, 2022

Hon. Ronnie Abrams
U.S. District Court, Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Hearst Communications State Right of Publicity Statute Cases*,
No. 21-cv-08895-RA (S.D.N.Y.)

Dear Judge Abrams:

We are counsel to Hearst Communications, Inc. (“Hearst”), the named Defendant in the above-referenced matter. We write in response to Plaintiffs’ June 22, 2022 submission of a Notice of Supplemental Authority, attaching *Kellman v. Spokeo, Inc.*, 3:21-CV-08976-WHO (N.D. Cal. Apr. 19, 2022). ECF No. 45. As that decision makes plain, *Kellman* has no bearing on this case. In *Kellman*, as in many of the cases upon which Plaintiffs rely in opposing dismissal, plaintiffs alleged that Spokeo made “promotional” use of their personal information by including it as free previews or “teasers” to “advertise paid subscriptions to the site”. 2022 WL 1157500, at *1. There are no such allegations in this case. *Kellman* is thus easily distinguishable and does not provide relevant authority here.

Respectfully submitted,

/s/ Jonathan R. Donnellan
Jonathan R. Donnellan

cc: All counsel of record (by ECF)

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